IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
(SOUTHERN DIVISION)

JASON PUTSCHE 4520 Wards Chapel Road Baltimore, Maryland 21117 **v.** **ALLEY CAT ALLIES, INC.** 7920 Norfolk Avenue Suite 600 Bethesda, MD 20814-2525 *Serve On:* National Corporate Research, Ltd., R.A. 1519 York Road Lutherville, Maryland 21093 Defendant.	)))))))))))))))))))	**Civil No. _____________**

COMPLAINT

Plaintiff, Jason Putsche ("Plaintiff" or "Mr. Putsche"), is a professional photographer whom Defendant, Alley Cat Allies, Inc. ("Defendant" or "ACA") contracted to take photographs in exchange for a non-exclusive, limited license to the photographs. For the reasons alleged below, ACA breached the terms of its license with the Plaintiff by reproducing Plaintiff's photographs without the required photographer attribution on the photographs. Accordingly, Defendants infringed Plaintiff's copyrights, causing Plaintiff damages.

THE PARTIES

1. Mr. Putsche is a resident of Baltimore County, Maryland. He is a professional photographer who, during all times relevant to this Complaint, did business as an unincorporated, sole proprietorship, Jason Putsche Photography ("JPP").

2. ACA is, upon information and belief, a non-profit Delaware corporation with its principal place of business at 7920 Norfolk Avenue, Suite 600, Bethesda, Maryland.

JURISDICTION AND VENUE

3. This Court possesses subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a), in that this matter arises under the Constitution, laws, or treaties of the United States.

4. This Court possess personal jurisdiction over Defendant because Defendant's principal place of business is in Montgomery County, Maryland.

5. Venue is proper in this district pursuant to 28 U.S.C. § 1391(b)(1) because Defendant resides in Maryland, and pursuant to 28 U.S.C. § 1391(b)(2) because a substantial part of the events or omissions giving rise to Plaintiff's claim occurred in Maryland.

FACTS

6. Mr. Putsche/JPP offer photography, videography and video editing services for weddings, special events, portraits and the like.

7. ACA is a national advocacy organization with its headquarters in Bethesda, Maryland. It is dedicated to the protection and humane treatment of cats, with particular focus on humane methods of feral cat care.

8. In October of 2008, ACA contracted Mr. Putsche/JPP to take photographs of cats and members of ACA's staff, including its President, Becky Robinson ("Ms. Robinson").

9. ACA and Mr. Putsche agreed that, upon payment for the photographs, ACA would receive full, unlimited usage rights to the photographs, subject to the limitation that ACA give Mr. Putsche credit on each and every one of his photographs used in printed materials.

10. ACA agreed that Mr. Putsche would retain all copyright rights in the photographs.

11. Accordingly, ACA and Mr. Putsche agreed that ACA would receive a perpetual,

non-exclusive license to reproduce the photographs and to prepare derivative works based upon photographs, so long as it gives credit to Mr. Putsche on all of his photographs, and all derivatives thereof, used in printed materials.

12. Mr. Putsche was never an employee of ACA.

13. During all times prior to October 2014, ACA abided by its obligation to give Mr. Putsche photo credit on all of his photographs used in printed materials.

14. In or about November of 2014, however, ACA stopped giving photo credit to Mr. Putsche, including credits on printed reproductions of certain headshots of ACA's President, Ms. Robinson.

15. For example, ACA reproduced in printed materials Mr. Putsche's photographs titled Becky Headshots #22 and Smithsonian #1, without giving any attribution to Mr. Putsche.

16. ACA reproduced the Becky Headshots #22 photograph in its spring 2016 newsletter and again in its summer 2016 newsletter, without giving any attribution to Mr. Putsche.

17. ACA reproduced the Smithsonian #1 photograph in a book that the company published in 2015, without giving any attribution to Mr. Putsche.

18. ACA's failure to give photo credit to Mr. Putsche on these photographs breaches its license agreement with Mr. Putsche.

19. On May 14, 2016, Mr. Putsche applied for copyright registration with the Copyright Office titled, "Jason Putsche Photography – Client Alley Cat Allies," which the Copyright Office registered effective May 14, 2016. The Certificate of Registration, Registration No. VAu 1-244-947, is attached to this Complaint at **Exhibit 1** (the "2016 Photograph Registration").

20. The Becky Headshots #22 and Smithsonian #1 photographs are among Plaintiff's photographs registered pursuant to the 2016 Photograph Registration.

COUNT I
COPYRIGHT INFRINGEMENT

21. Plaintiff Mr. Putsche incorporates by reference the allegations in Paragraphs 1 through 20 of this Complaint as if stated fully herein.

22. The Becky Headshots #22 and Smithsonian #1 photographs, like all of Mr. Putsche's photographs, are original works of authorship fixed in tangible mediums of expression.

23. Mr. Putsche is sole copyright owner of all copyright rights to the Becky Headshots #22 and Smithsonian #1 photographs.

24. ACA possesses a perpetual, non-exclusive, royalty-free license to reproduce the Becky Headshots #22 and Smithsonian #1 photographs, and to prepare derivative works based upon those photographs, subject to the limitation that ACA must give Mr. Putsche photo credit on each of these photographs, and all derivatives thereof, used in printed materials.

25. ACA's reproduction in printed materials of the Becky Headshots #22 and Smithsonian #1 photographs without any accompanying photo credit to Mr. Putsche, infringe Mr. Putsche's copyright rights to the photographs.

26. Upon information and belief, ACA has reproduced other photographs that are copyrighted by Mr. Putsche, without providing the required photo credit to Mr. Putsche.

27. The foregoing acts of infringement by ACA have been willful, intentional and purposeful, in disregard of and indifferent to Plaintiff's rights.

28. As a direct and proximate result of ACA's infringement of Plaintiff's exclusive rights, Plaintiff is entitled to damages as well as Defendant's profits pursuant to 17 U.S.C. § 504(b).

29. Alternatively, Plaintiff is entitled to the maximum statutory damages pursuant to 17 U.S.C. § 504(c), or for such other amount as may be proper pursuant to 17 U.S.C. § 504(c).

30. Plaintiff is further entitled to his attorneys' fees and full costs pursuant to 17 U.S.C.

§ 505.

31. ACA's conduct is causing, and unless enjoined and restrained by this Court will continue to cause, irreparable injury that cannot be fully compensated in money. Plaintiff has no adequate remedy at law. Accordingly, and pursuant to 17 U.S.C. § 502, Mr. Putsche is entitled to injunctive relief prohibiting further infringement of its copyrights in the JPP Photographs.

WHEREFORE, Mr. Putsche respectfully prays for an Order that:

A. Enjoins Defendant ACA, its officers, directors, agents, servants, partners, employees, attorneys, licensees, assigns, and all persons acting for, with, by, through or in concert from reproducing, distributing, adapting and/or publicly displaying the Becky Headshots #22 and Smithsonian #1 photographs, and any other photographs to which it has a license from Mr. Putsche, without giving Mr. Putsche credit on each of these photographs used in printed materials;

B. Requires ACA to deliver up to Plaintiff for destruction any printed materials, including books, brochures, packaging, catalogs, signs, advertising materials, and the like, which contain the Becky Headshots #22 and Smithsonian #1 photographs, and any other printed materials that contain Mr. Putsche's photographs without any accompanying photo credit to Mr. Putsche;

C. Requires ACA to pay Mr. Putsche the maximum statutory damages pursuant to 17 U.S.C. § 504(c) or alternatively, ACA's profits or Mr. Putsche's damages pursuant to 17 U.S.C. § 504(b),

D. Requires ACA to pay Mr. Putsche's attorney's fees and the costs of this Action, post-judgment interest on any amounts awarded; and such other relief as the Court may deem appropriate.

Respectfully submitted,

/s/

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